

Article 5, Division 20
Telecommunications

Section 5-22001. ~~Intent~~Purpose. of This Section.

The ~~regulations and~~ requirements ~~set forth herein~~ establish general guidelines for the siting of wireless telecommunications towers and antennas and are intended to accomplish the following purposes:

- A. Protect and promote the public health, safety and general welfare of the residents of the City and support the City's public safety and internal communications needs;
- B. Provide for the appropriate location and development of ~~wireless~~ telecommunications facilities within the municipal limits;
- C. Minimize residential areas and land uses from potential adverse impacts of towers and antennas;
- D. Encourage the location of towers to the extent possible on property used for municipal purposes and in non-residential areas to minimize the adverse impact on the community;
- E. Minimize the total number of towers throughout the community by strongly encouraging the co-location of antennas on pre-existing towers and other structures as a primary option rather than construction of additional telecommunications towers;
- F. Encourage users of telecommunications towers and antennas to configure them in a way that minimizes the adverse visual impact of the telecommunications towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- G. Minimize potential damage to property from telecommunications towers and facilities by requiring such structures be soundly designed, constructed, modified and maintained; and
- H. Enhance the ability of the providers of ~~telecommunications~~ personal wireless services to provide such services to the community through an efficient and timely application process. In furtherance of these goals, the City shall at all times give due consideration to the City's Comprehensive Land Use Plan ("CLUP"), zoning map, existing land uses, and environmentally sensitive areas, including hurricane preparedness areas, in approving sites for the location of telecommunications towers and antennas.

Section 5-22012001. ~~Applicability and Administration.~~

- A. All new towers shall be considered as a Major Conditional Use subject to all of the requirements of ~~the City's Zoning Code~~ Article 3, Division 4 of these regulations and this ~~Article~~ Division. All antennas and other Telecommunications Facilities shall be considered as a Minor Conditional Use. ~~See Flow Chart for application process set out under Article 3, Division 4.~~ To the extent a conflict should arise between this ~~Article~~ Division and the Conditional Use requirements under the City's Zoning Code, the latter shall control. All new towers and antennas and repairs or modifications to existing telecommunications facilities in the City shall also be subject to the regulations in this ~~Article~~ Division to the full extent permitted under applicable state and federal law. Telecommunications facilities owned by the City shall not be subject to this ~~Article~~ Division, except as specifically referred to herein.
- B. Pre-existing telecommunications towers and antennas shall be required to meet the requirements of this ~~Article~~ Division, unless prohibited by applicable law.
- C. Broadcasting facilities/amateur radio station operators/receive only antennas. This ~~Article~~ Division shall not govern any broadcasting facility, telecommunications facilities owned and operated by a federally-licensed amateur radio station operator, or receive only antennas. Antennas, as governed under this ~~Article~~ Division, shall not include any traditional residential television antennas, satellite earth stations or microwave antennas, which are covered under separate sections of this ~~Article~~ Division.

- D. Pending **A**pplications. This **Article****D**ivision shall not apply to all applications that have received a preliminary approval from the Board of Architect's' **P**reliminary review and are considered vested. Those applications with preliminary approval shall comply with the prior Code requirements. All applications not yet vested shall comply with the new Code requirements set out in this **Article****D**ivision.
- E. Not **E**ssential **S**ervices. The providing of Personal Wireless Services and the siting and construction of telecommunications facilities shall be regulated and permitted pursuant to this **Article****D**ivision and shall not be regulated or permitted as essential services or City telecommunications ~~as defined herein~~.
- F. Except for matters herein specifically reserved to the City Commission, the City Manager shall be the principal City official responsible for the administration of this **Article****D**ivision. The City Manager may delegate any or all of the duties hereunder unless prohibited by applicable law.

Section 5-~~2202~~2002. Application Requirements. ~~(to be 11 "Section 5. General Requirements/Minimum Standards.")~~

- A. The City shall create an application form that may be amended from time to time, for a person to apply for the construction, installation, or placement of a **T**elecommunications **F**acility, **T**elecommunications **T**ower, or **A**ntenna within the City consistent with the terms of this **Article****D**ivision.
- B. The following information must be included in an application.
 - 1. Name and contact information for the **A**pplicant.
 - 2. Whether the proposed facility is the Principal or Accessory Use? Antennas and Towers may be considered either principal or **A**ccessory **U**ses. A different existing use of an existing structure on the same lot shall not preclude the installation of an **A**ntenna or **T**elecommunications **T**ower on such lot. A statement regarding whether the **T**ower is a new installation or is a modification of an existing structure to be used as a **T**ower. A statement regarding the proposed **A**ntenna(s) that will be placed on the proposed **T**ower or attached to or placed upon an existing building.
 - 3. Lot **S**ize. For purposes of determining whether the installation of a **T**elecommunications **T**ower or **A**ntenna complies with the zoning provisions, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the **A**ntenna or **T**elecommunications **T**ower may be located on leased parcels within such lot.
 - 4. Specific information about the proposed location, **H**eight, and design of the proposed **T**elecommunications **F**acilities.
 - 5. Inventory of **E**xisting **S**ites.
 - a. Each **A**pplicant shall provide the City with an inventory of its **P**re-existing **T**elecommunications **T**owers and **A**ntennas within the City, and the **P**re-existing sites of other **S**ervice **P**roviders' **T**elecommunications **T**owers within a one (1) mile radius from the proposed site regardless of City boundaries.
 - b. The City encourages and hereby establishes a preference for co-**I**location. For applications for new **T**elecommunications **T**owers, the **A**pplicant must provide information to demonstrate, pursuant to the procedures listed within this subsection that no **P**re-existing **T**elecommunications **T**ower, structure, or **S**tate of the **A**rt technology, can accommodate or be modified to accommodate the **A**pplicant's proposed **A**ntenna. Evidence submitted to demonstrate that no existing **T**elecommunications **T**ower, structure, or **S**tate of the **A**rt technology is suitable may consist of the following:
 - i. An affidavit with supporting plans and calculations demonstrating that pre-existing **T**owers or structures located within the geographic search area as determined by a Florida professional

- ~~licensed structural~~ engineer experienced in the design of telecommunications systems do not have the capacity to provide reasonable technical service consistent with the Applicant's technical system, including but not limited to, applicable FCC requirements.
- ii. An affidavit by a Florida professional engineer experienced in design of telecommunications systems demonstrating that Pre-existing Ttowers or structures are not of sufficient Height to meet applicable FCC requirements, or engineering requirements of the Applicant.
 - iii. An Affidavit with supporting plans and calculations by a Florida professional engineer experienced in design of telecommunications systems demonstrating that Pre-existing Ttowers or structures do not have sufficient structural strength to support Applicant's proposed Antenna and related equipment.
 - iv. An affidavit that the Applicant's proposed Antenna would cause electromagnetic/radio frequency ~~interference~~ with Antennas on Pre-existing Ttowers or structures, or the Antenna on the Pre-existing Ttowers or structures would cause ~~interference~~ with the Applicant's proposed Antenna.
 - v. An affidavit that the Applicant's proposed Antenna on a Pre-existing Ttower or structure would cause ~~interference~~ with the City's telecommunications facilities.
 - vi. An affidavit demonstrating that the Applicant made diligent efforts but was unable to obtain permission to install or co-~~locate~~ the Applicant's Telecommunications Facilities on pre-existing Telecommunications Ttowers or usable Antenna support located within a one (1) mile radius from the proposed site.
 - vii. An affidavit demonstrating that there are other limiting factors that render Pre-existing Ttowers and structures unsuitable.
6. Information to demonstrate compliance with land use siting hierarchies contained herein in subsection 5-22042004.
7. An Engineering Report, certified by a Florida ~~licensed~~ professional ~~electrical~~ engineer experienced in the design of telecommunications systems with expertise in communications or by a qualified engineer exempt from such licensing requirement under Florida law ("Qualified Engineer") that shall include:
- a. ~~a.~~ Information for site plan and Planning and Zoning Board review, including without limitation, a legal description of the parent tract and leased parcel if applicable, on-site and adjacent land uses, Master Plan classification of the site, a visual impact analysis and photo digitalization and landscaping embellishment and/or methods used for concealment or camouflage of the proposed Telecommunications Facilities viewed from the property line, as well as at a distance of 250 feet and 500 feet from all properties within that range, or at other points agreed upon.
 - b. Due consideration must be given to potential construction details, including preliminary structural analysis for any proposed structures, such as equipment screen walls.
 - ~~b. If applicable based on the application, current wind loading capacity and a projection of wind loading capacity using different types of Antennas as contemplated by the Applicant. No Telecommunications Tower or other structure shall be permitted to exceed its wind loading capacity as provided for by the Florida Building Code, and all other applicable codes and standards, as amended from time to time.~~
 - c. A statement of compliance with this Article~~Division~~ and all applicable building Gcodes, associated regulations and safety standards. For all Telecommunications Facilities attached to existing structures, the statement shall include certification that the structure can support all existing and additional the load ~~superimposed loads~~ from the Telecommunications Facility, in compliance with all applicable building codes, associated regulations and safety standards.
 - d. A certification from a Florida professional Qualified ~~E~~ngineer experienced in design of telecommunications systems that the proposed facility including reception and transmission

- functions, will not interfere with or obstruct transmission to and from existing City ~~T~~elecommunications facilities;
- e. A remedial action plan, subject to the City's approval, that includes, but is not limited to, procedures to rectify any Interference or obstruction with City ~~T~~elecommunications, its plans to make all necessary repairs and/or accommodations to alleviate the Interference or obstruction, and a period of compliance; and
8. Additional information that the City may request consistent with this ~~Article~~Division, all other applicable City zoning requirements and applicable law to process the ~~A~~pplication. In the event the City requests any additional information, the time in which an ~~A~~pplication is processed shall be tolled pending receipt and further evaluation.
- C. Applications for a ~~T~~elecommunications ~~F~~acility on any property owned, leased or otherwise controlled by the City shall require a ~~L~~ease ~~A~~greement approved by the City Commission and executed by the City and the owner of the proposed ~~T~~elecommunications ~~F~~acility. The City may require, as a condition of entering into a ~~L~~ease ~~A~~greement, the dedication of space on the facility for City communications purposes, as well as property improvement on the leased space. As part of any application to co-locate facilities on City owned property, the City may require that the ~~A~~pplicant improve the structural integrity of the building, structure or other City facility. Any dedications and improvements shall be negotiated prior to execution of the lease.
- 1. No lease granted pursuant to this ~~Article~~Division shall convey the exclusive right, privilege, permit or franchise to occupy or to use the public lands of the City for delivery of ~~T~~elecommunications ~~S~~ervices or any other purpose. _____
 - 2. No lease granted pursuant to this ~~Article~~Division shall convey any right, title or interest in the public lands other than a leasehold interest, and shall be deemed only to allow the use of the public lands for the limited purposes and term stated in the lease. No lease shall be construed as a conveyance of a title interest in the property.
 - 3. The City Manager, or his or her designee, may enter into an entry and testing agreement with a ~~Wireless S~~ervice ~~P~~rovider to allow for the entry on City property for the purpose of testing. Such entry and testing agreements shall provide for a reasonable time period for such entry and testing, insurance and indemnification requirements, and shall be subject to the approval of the City Attorney.
- D. Filing ~~F~~ee. ~~Refer to City Code for Schedule of Fees and Cost Recovery.~~ Failure to comply with the filing fee and cost recovery requirements ~~in the City's Code~~ shall cause the application to be deemed withdrawn or any approvals previously issued to be revoked.
- E. All applications shall be executed by a person with authority to act on behalf of the ~~A~~pplicant and verified under penalty of perjury that the information contained within the application is true and correct to the best of the person's knowledge. All subsequent information submitted to the City and appearances at City hearings shall be by a person with authority to act on behalf of the ~~A~~pplicant.

Section 5-~~2203~~2003. Review Process.

- A. Unless otherwise authorized by state or federal law, no person shall construct, install or maintain a ~~T~~elecommunications ~~F~~acility within the City without the City's approval pursuant to this ~~Article~~Division. The City shall review and respond to an application within the time dictated by the nature and scope of the individual application, subject to the generally applicable time frames and consistent with the intent of the Telecommunications Act and Florida law.
- B. The City shall review the application for consistency with the City's Comprehensive Land Use Plan ("CLUP"), ~~the City's Zoning Code, this Article~~these regulations, and compatibility of the proposed ~~T~~elecommunications ~~F~~acility with the surrounding neighborhood.

C. Timeframes for Application.

1. The City may establish separate applications for the various administrative approvals needed by an applicant including, but not limited to, site plan, zoning compliance, public safety, and building permit reviews.
2. Notification of completeness. The City shall notify the applicant within twenty (20) business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed, containing sufficiently reliable information, and has been properly submitted in accordance with the requirements set forth above. However, such determination shall not be deemed as an approval of the application. Such notification shall indicate with specificity any deficiencies which, if cured, could make the application properly completed. If the application has been properly submitted, the application shall be scheduled for the next regularly scheduled public hearing of the Planning and Zoning Board, if such a hearing is required by applicable law.
3. Timeframe for decision. Each application for a new tower or antenna shall be approved or denied by the City within ninety (90) business days after the date that the properly completed application is submitted to the City, provided that such application complies with all applicable federal regulations, and applicable local zoning and/or land development regulations, including but not limited to any aesthetic requirements.
4. Each application for co-location of a second or subsequent antenna on a tower, building, or structure within the City's jurisdiction shall be approved or denied by the City within 45 business days after the date the properly completed application is submitted to the City, provided that such application complies with all applicable federal regulations, and applicable local zoning and/or land development regulations, including but not limited to any aesthetic requirements.
5. Extension and waiver. Where action by a City Board, Committee, or the City Commission is required on an application, the City may by letter to the applicant, extend the timeframe for a decision until the next available regularly scheduled meeting of the City Board, Committee, or City Commission. Notwithstanding the foregoing, the applicant may voluntarily agree to waive the timeframes set forth above.
6. Emergency Extension. In addition to the extensions referenced in subsection C(5), the City shall also have the discretion to declare a one time waiver of the time frames set forth herein in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities in the City.

D. Co-location Incentive.

1. To encourage co-location, an application submitted to co-locate a second or subsequent antenna on an existing structure or on a pre-existing telecommunications tower shall only require the approval of the Development Review Committee, Board of Architects and the City Manager. For such applications that are not subject to the City Commission's approval pursuant to this Article Division, the City Manager shall issue a written decision either approving or denying an application.
2. All other applications for the installation of a telecommunications tower shall be subject to approval or denial by the City Commission and shall comply with the application process set out in Article 3, Division 4 for Major Conditional Use. The process requires that the applications, including for the site plan approval, be submitted to the Development Review Committee, then to the Board of Architects, then to the Planning and Zoning Board, and then to the City Commission for a public hearing. All other applications for an antenna or other telecommunications facility shall be subject to review as a Minor Conditional Use.
3. Whether an application is for an initial installation or Co-location, the City shall not approve an

application for a proposed ~~T~~elecommunications ~~F~~acility that ~~will~~ causes interference with any City communications services, or is otherwise not in compliance with the City's CLUP, this ~~Article~~ ~~Division~~ or ~~not in compliance with~~ any and all applicable provisions of the ~~City's Zoning Code~~ these regulations.

- E. For all applications subject to a hearing before the City Commission, the Planning and Zoning Board shall issue a written recommendation to the City Commission. The City Commission shall consider any part of the ~~A~~pplication, the City staff's recommendation, and any additional evidence presented by the ~~A~~pplicant and the public. The City Commission's consideration of an application may include, but is not limited to, the compatibility with the surrounding neighborhood or lack thereof, compliance or non-compliance with the CLUP, this ~~Article~~ ~~Division~~ or any other ~~provision~~ ~~Division~~ of the City's Code, or any other lawful reason considered by the City. In the event of conflicts between this ~~Article~~ ~~Division~~ and the ~~Land Development Code~~ these regulations, the more stringent provision with respect to the construction of a ~~T~~elecommunications ~~F~~acility shall apply.
- F. Appeals. Refer to Article 3, Division 6 of the City Code. Appeals shall be considered in accordance with the provisions of Article 3, Division 26 of these regulations. No decision of the City Manager may be appealed to a court without first appealing the decision to the City Commission.

Section 5-~~2204~~2004. Development Standards.

- A. General Regulations. The standards listed in this ~~Article~~ ~~Division~~ apply specifically to all ~~A~~ntennas, ~~T~~owers and ~~T~~elecommunications ~~F~~acilities, except those owned by the City, located on property owned, leased, or otherwise controlled and approved by the City or located on private property as specified herein. The City shall not be required to provide access to City property. To the extent that these development standards conflict with the applicable Major or Minor Conditional Use requirements of the ~~City Code~~ these regulations, the latter shall control.
- B. Local, State or Federal Requirements. The construction, maintenance and repair of ~~T~~elecommunications ~~F~~acilities are subject to the supervision of the City to the full extent permitted by applicable law, and shall be performed in compliance with all laws, ordinances and practices affecting such facility including, but not limited to, zoning codes, building codes, and safety codes, and as provided herein. The construction, maintenance, and repair shall be performed in a manner consistent with applicable industry standards, including the Electronic Industries Association. All ~~T~~elecommunication ~~T~~owers and ~~A~~ntennas must meet current standards and regulations of the FAA, the FCC, including emissions standards, and any other agency of the local, state or federal government with the authority to regulate towers and antennas. If such applicable standards and regulations are revised and require that existing facilities adhere to such revised standards, then the owners of ~~T~~elecommunications ~~T~~owers and ~~A~~ntennas within the City shall bring such ~~T~~owers and ~~A~~ntennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling organization, state or federal agency. Failure to comply with applicable standards and regulations shall constitute grounds for the removal of the ~~T~~elecommunications ~~T~~ower or ~~A~~ntenna at the owner's expense.
- C. Co-~~l~~ocation. It is the intent of the City to encourage co-~~l~~ocation of ~~A~~ntennas by more than one ~~S~~ervice ~~P~~rovider on ~~P~~re-existing ~~T~~elecommunications ~~T~~owers and ~~S~~tructures. Except as provided herein, all ~~T~~owers shall have the capacity to permit multiple users. At a minimum, ~~M~~onopole ~~T~~owers shall be able to accommodate two (2) ~~Wireless~~ ~~S~~ervice ~~P~~roviders and, at a minimum, ~~L~~attice or ~~G~~uyed ~~T~~owers shall be able to accommodate three (3) ~~Wireless~~ ~~S~~ervice ~~P~~roviders.
- D. Hierarchy of ~~S~~iting ~~A~~lternatives. Placement of ~~T~~elecommunications ~~T~~owers, ~~A~~ntennas and ~~T~~elecommunications ~~F~~acilities shall be in accordance with the following siting alternatives hierarchy.
1. The order of ranking is from highest (a) to lowest (j). Where a lower ranked alternative is proposed, the ~~A~~pplicant must demonstrate in its application that higher ranked options are not available. The availability of a less expensive lease on a lower ranked site is not sufficient in and of itself to justify

using the lower ranked alternative where a higher ranked alternative is otherwise available.

- a. Co-location on existing Stealth Tower on property used for a municipal purpose including, but not limited to, parks, public service and City maintenance yards, police and fire stations, City Hall, and community centers (hereinafter “Municipal Use Property”).
 - b. Co-location on existing Telecommunications Tower on Municipal Use Property.
 - c. Attached Telecommunications Facility on Municipal Use Property.
 - d. Co-location on existing structures on Municipal Use Property.
 - e. New Stealth Tower on Municipal Use Property.
 - f. Co-location on existing Stealth Tower on private property.
 - g. Attached Telecommunications Facility on private property.
 - h. New Stealth Tower on privately owned property.
2. For siting of new Telecommunications Towers on privately owned property, the following secondary hierarchy of zoning districts from highest (i) to lowest (viii) is applicable. Where a lower ranked alternative is proposed, the Applicant must set out in its application that the higher ranked zoning alternative is not available and demonstrate with particularity why it is not available. The availability of a less expensive lease on a lower ranked site is not sufficient in and of itself to justify using the lower ranked alternative where a higher ranked alternative is otherwise available.
- a. ~~M-Use~~Industrial District
 - b. ~~C-Use~~Commercial District
 - c. ~~MF2-Use~~Multi-family 2 District
 - d. ~~MF1-Use~~Multi-family 1 District
 - e. ~~S-Use~~Special Use District

All other districts are least favored. If an applicant seeks to locate telecommunications towers in a residential zoning district, the applicant may submit an application to the City, with payment of the appropriate fee, for the City to cooperate in determining an appropriate site. Such application, however, shall not be subject to the timeframes for action on an application as otherwise provided in this Division. The placement of Towers or Antennas shall not be permitted in ~~P-Use~~the Preservation District which is reserved for the preservation and conservation of the City’s natural resources. To minimize the visual impact of Telecommunications Facilities in all zoning districts listed herein, only Stealth telecommunications Facilities may be permitted.

- E. Aesthetics. It is the intent of this ~~Article~~Division to provide for appropriate screening to minimize the visual impact of all Telecommunications Facilities located within the City.
1. Telecommunications Facilities and Towers that are located within 300 feet of a residential district shall be of a type of Stealth design that the City may require to best fit into the surrounding area.
 2. Towers and Antennas shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness or be painted a color as

may be required by the City.

- b. At a ~~T~~elecommunications ~~T~~ower site, the design of the ~~E~~quipment ~~F~~acilities and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings to minimize the visual impact yet maintaining standards as set forth by the City Code.
- c. The ~~E~~quipment ~~F~~acilities shall be completely surrounded by a decorative concrete block and stucco or pre-cast concrete wall, designed in a "Mediterranean" architectural style or such other style as the Board of ~~Architecture~~ ~~Architects~~ or the City Commission may require. This decorative wall shall be designed at the minimum height necessary to completely screen the ~~E~~quipment facilities so as not to be visible from abutting public streets. - If it would blend in more with the surrounding area, the City may require opaque fencing in lieu of the decorative wall.
- d. Architectural embellishment to the decorative wall shall be integrated into the design. Adequate access shall be provided by opaque gates. Walls, gates and accessory structures shall be determined by the Board of ~~Architecture~~ ~~Architects~~ and/or any applicable City Code provisions.
- e. This decorative wall must be surrounded by a ten-foot wide landscape buffer to include three tiers of plant material, designed by a landscape architect registered in the State of Florida. The three tiers shall include, at a minimum, native shade trees planted one (1) tree per thirty (30) feet on center with 14' minimum heights; a continuous hedge broken only where access gates are required; and groundcover including annuals. Palm trees are to be used as accent plant material. Proper irrigation must be provided and maintained for long-term maintenance of the site or parcel. The overall aesthetic appeal and relationship with the architectural design of the wall and the site will be judged by the Board of Architects for compliance with these design criteria.
- f. Telecommunications ~~T~~ower sites must comply with any landscaping requirements of the City Code and all other applicable aesthetic and safety requirements of the City, and the City may require landscaping in excess of those requirements to enhance compatibility with adjacent land uses. All landscaping shall be properly maintained to ensure good health and viability at the owner's expense. Telecommunications ~~F~~acilities shall be landscaped as required by the City.
- g. If an ~~A~~ntenna is installed on a structure other than a ~~T~~elecommunications ~~T~~ower, the ~~A~~ntenna and supporting equipment facility shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the ~~A~~ntenna and related equipment as visually unobtrusive as possible. The City shall have the discretion to require that any aesthetic screening required by the City exceed the height of the equipment associated with the ~~A~~ntenna by a minimum of one (1) foot. _____
- h. No more than one (1) ~~T~~elecommunications ~~T~~ower shall be located on a single lot or single building site unless approved by the City.

F. Antennas on ~~P~~re-existing ~~S~~tructure or ~~R~~ooftop.

- 1. Any ~~A~~ntenna which is attached to any structure other than a pre-existing ~~T~~elecommunications ~~T~~ower may be approved by the City as a Minor Conditional Use accessory to any commercial, professional, institutional, or multi-family structure provided:
 - a. The ~~A~~ntenna does not extend more than ten (10) feet above the highest point of the structure;
 - b. The ~~A~~ntenna is not visible from the ground from a distance of five hundred (500) and one thousand (1000) feet, or other points agreed to. Screening from ground view may be provided by a parapet or some other type wall or screening;
 - c. The ~~A~~ntenna is not to be located closer than eight (8) feet to any power line;

- d. The number of Antennas does not exceed three per 750 square feet of roof area per roof top for buildings under 125 feet;
 - e. The number of Antennas is not limited for any one building of 125 feet or higher.
 - f. The Antenna shall be installed and maintained in accordance with all applicable code requirements.
 - g. The Antenna complies with all applicable FCC and FAA regulations and all applicable building codes; and
 - h. The Antenna shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting building and shall be screened as required by the City so as to make the Antenna and related equipment as visually unobtrusive as possible.
 - i. To minimize adverse visual impacts, Antennas shall be selected based upon the following priority:
 - i. Any Stealth Antenna (whether Panel, Whip or Dish)
 - ii. Panel;
 - iii. Whip; or
 - iv. Dish.
 - k. The Applicant shall demonstrate, in order of priority as outlined above and in a manner acceptable to the City, why each choice cannot be used for a particular Application.
2. Antennas on Pre-existing Telecommunications Towers. An Antenna attached to a pre-existing Telecommunications Tower shall be consistent with the following:
- a. A Telecommunications Tower that is modified or reconstructed to accommodate the co-Ilocation of an additional Antenna shall be of the same Telecommunications Tower design as the existing Telecommunications Tower, unless the City allows reconstruction as a monopole pursuant to this ArticleDivision.
 - b. Height. An Antenna may not extend more than ten (10) feet above the Telecommunications Tower. An existing Telecommunications Tower may be modified or rebuilt to a taller Height to accommodate the co-Ilocation of an additional Antenna, only if the modification or reconstruction is approved by the City Manager and is in full compliance with this ArticleDivision. The additional Height referred to above shall not require an additional setback or distance separation, subject to City Commission approval. The Tower's pre-modification Height shall be used to calculate such setback and distance separations. The maximum additional Height that may be added to a Tower will vary with the height limitations in the zoning district.
 - c. Onsite location. A Telecommunications Tower that is being rebuilt to accommodate the co-Ilocation of an additional Antenna may be moved onsite within fifty (50) feet of its existing location, so long as it complies with all of the set-back requirements and other restrictions in the City's Code. After the Telecommunications Tower is rebuilt to accommodate co-Ilocation, only one (1) Telecommunications Tower may remain on the site.
 - d. Microwave Dish Antennas shall be regulated pursuant to Article 5, Division 2218.
- G. Lighting. No signals, artificial lights, or illumination shall be permitted on any Antenna or Telecommunications Tower unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting design, if required or proposed, is also under the purview of the Planning and Zoning

Board and City Commission, to the extent not prohibited by applicable law. Light fixtures types, if visible, shall be designed in accordance with the architectural design. Industrial type lighting such as wall packs shall be minimized, especially at a visible location.

- H. Setbacks. Telecommunications ~~T~~towers must be set back from the property line a minimum distance of 110 percent of the ~~H~~height of the ~~T~~telecommunications ~~T~~tower or as otherwise approved by the City. For purposes of measurement, ~~T~~telecommunications ~~T~~tower setback distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
- I. Separation. Any ~~T~~telecommunications ~~T~~tower shall be separated from any other ~~T~~telecommunications ~~T~~tower by a distance of no less than one (1) mile as measured by a straight line between the bases of the towers. For purposes of measurement, ~~T~~telecommunications ~~T~~tower separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries. Towers must also be separated from adjacent properties by a landscape buffer.
- J. Height. Telecommunications ~~T~~towers shall not be constructed at any ~~H~~hheights in excess of one hundred twenty (120) feet. For the purpose of determining compliance with all requirements of this ~~Article~~Division, ~~T~~telecommunications ~~T~~tower ~~H~~hheight shall be measured from grade to the highest point on the ~~T~~telecommunications ~~T~~tower or other structure, including the base pad and any ~~A~~antenna over the top of the ~~T~~telecommunications ~~T~~tower structure itself. The City may approve a maximum height not to exceed two-hundred (200) feet for good cause shown.
- K. Modification of ~~E~~existing ~~T~~telecommunications ~~F~~facility. Minor modification of a ~~T~~telecommunications ~~F~~facility, including alteration of the ~~A~~antenna ~~A~~array shall not require an additional approval so long the modification does not change the ~~H~~hheight of the ~~T~~telecommunications ~~T~~tower, enlarge the ~~A~~antenna ~~A~~array, or enlarge the ~~E~~equipment ~~F~~facility. All other modifications shall require City Manager approval only.
- L. Building ~~C~~codes, ~~S~~safety ~~S~~standards and ~~I~~inspections.
 - 1. To ensure the structural integrity of ~~T~~telecommunications ~~f~~acilities, ~~T~~towers and ~~a~~ntennas installed, the owner shall construct and maintain ~~T~~telecommunications ~~f~~acilities, ~~T~~towers, and ~~a~~ntennas in compliance with the Florida Building Code, and all other applicable codes and standards, as amended from time to time. A statement shall be submitted to the City by a ~~Florida~~ professional ~~licensed structural-engineer~~ experienced in structural design of telecommunications structures certifying compliance with this ~~Article~~Division upon completion of construction and/or subsequent modification. Where a pre-existing structure, excluding light and power poles, is requested as a ~~S~~stealth ~~F~~facility, the facility, and all modifications thereof, shall comply with all requirements as provided in this ~~Article~~Division and all other applicable standards as may be amended from time to time. ~~Prior to the issuance of a building permit, the City shall require a geotechnical analysis including a soil sample from the base of the Telecommunications Tower site.~~
 - 2. The City reserves the right to conduct periodic inspection of ~~T~~telecommunications ~~F~~facilities, towers, and ~~A~~antennas at the owner's expense, to ensure structural, ~~and~~ electrical and general systems integrity and compliance with this ~~Article~~Division. There shall be a maximum of one (1) inspection per year. The owner of the ~~T~~telecommunications ~~F~~facilities, towers, or ~~A~~antennas may be required by the City to have more frequent inspections or provide other reports at its expense should there be an emergency, extraordinary conditions or other reason to believe that the structural, ~~and~~ electrical and general systems integrity of the ~~T~~telecommunications ~~F~~facility, tower, or ~~A~~antenna is jeopardized. ~~There shall be a maximum of one inspection per year unless emergency or extraordinary conditions warrant additional inspections.~~ If, upon inspection, the City concludes that a ~~T~~telecommunications ~~F~~facility, tower, or ~~A~~antenna fails to comply with such applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner, the owner shall commence work within thirty (30) days to bring such ~~T~~telecommunications ~~F~~facility, tower, or ~~A~~antenna into compliance with such standards. Failure to bring such ~~T~~telecommunications ~~f~~acilities, ~~T~~tower or antenna into compliance within sixty (60) days of notice shall constitute grounds for the

removal of the ~~T~~elecommunications ~~facilities~~, ~~T~~ower, ~~facility~~, or ~~A~~ntenna at the owner's expense.

M. Warning ~~s~~Signs. Notwithstanding any contrary provisions of the City's Code, the following shall be utilized in connection with any ~~T~~elecommunications ~~F~~acility, tower or ~~A~~ntenna site, as applicable.

1. If high voltage is necessary for the operation of the ~~T~~elecommunications ~~T~~ower or any accessory structures, "HIGH VOLTAGE--DANGER" warning signs shall be permanently attached to the fence or wall surrounding the structure and spaced no more than forty (40) feet apart.
2. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and spaced no more than forty (40) feet apart.
3. The ~~h~~Height of the lettering of the warning signs shall be at least twelve (12) inches in ~~H~~height. The warning signs shall be installed at least five (5) feet above the finished grade.
4. The warning signs may be attached to freestanding poles if landscaping may obstruct the content of the signs.
5. The face of the warning signs shall be consistent with federal and state law. The trim or framing around the face of the warning signs must be designed to have a decorative appeal.

N. Licenses. Owners and/or operators of towers or ~~A~~ntennas shall certify that all occupational licenses required by law for the construction and/or operation of a wireless communication system in the City have been obtained and shall file a copy of all required occupational licenses with the City.

O. Public Notice. If approved, upon the City's request, the owner of any ~~T~~elecommunications ~~T~~ower shall provide notice of the location of the ~~T~~elecommunications ~~T~~ower and the tower's load capacity to other ~~S~~ervice ~~P~~roviders. All costs related to the public notice shall be paid by the ~~A~~pplicant.

P. Signs. No signs, including commercial advertising, logo, political signs, flyers, flags, or banners, whether or not posted temporarily, shall be allowed on any part of an ~~A~~ntenna, ~~T~~elecommunications ~~F~~acility, or ~~T~~elecommunications ~~T~~ower unless required by applicable law or permit.

Q. Parking. Each ~~T~~elecommunications ~~F~~acility site may provide parking only for use by maintenance personnel. No vehicle storage shall occur.

R. Outdoor storage. No outdoor storage of vehicles or maintenance equipment is permitted on sites approved for ~~T~~elecommunications ~~F~~acilities.

S. Telecommunications ~~T~~owers and ~~A~~ntennas in the ~~P~~ublic ~~R~~ights-of-~~W~~ay. Towers and ~~A~~ntennas to be installed in the public rights-of-way shall be subject to this ~~Article~~ ~~Division~~ as well as other provisions of the City Code, including but not limited to ~~[Article VII, Section 22-200]~~ ~~Chapter 22, Article VIII, Section 22-200 of the City's Code~~. - The ~~H~~height of a ~~T~~elecommunications ~~T~~ower in the public rights-of-way shall not be greater than the ~~H~~height of existing utility poles surrounding the proposed ~~T~~ower and shall be of a design consistent with existing utility poles. All ~~A~~ntennas attached to the ~~T~~ower or existing utility poles shall be consistent with the requirements herein.

Section 5-~~2205~~2005. Equipment ~~F~~acilities.

A. Equipment ~~F~~acilities for a ~~T~~elecommunications ~~T~~ower or ~~A~~ntennas mounted on a ~~T~~ower shall not exceed 1,000 square feet of gross floor area not including the surrounding concrete pad, or be more than ten (10) feet in ~~H~~height and shall be located in accordance with the minimum yard requirements of the zoning district in which ~~it is~~ located.

B. Equipment ~~F~~acilities used in association with ~~A~~ntennas mounted on structures or rooftops shall comply with the following:

1. All Eequipment Ffacilities for an Aarray on a structure or rooftop shall not exceed 600 square feet of gross floor area or be more than ten (10) feet in Hheight or as otherwise allowed by the City. This ten (10) foot Hheight limitation shall be measured from the top of the structure or roof linerooftline to the highest point of the Eequipment Ffacility. The base pad shall be considered part of the Ffacility for purposes of measuring the Hheight. In addition, for structures which are less than four (4) stories in Hheight, the related unmanned Eequipment Ffacility, if over 100 square feet of gross floor area or six (6) feet in Hheight, including base pad, shall be located on the ground or inside the structure and shall not be located on the top of the structure or rooftop unless the structure is completely screened from site.
 2. Providers shall place Eequipment Ffacilities inside the building or structure where technically feasible. If the Eequipment Ffacility is located on the roof of a building, the area of the Eequipment Ffacility and all other equipment and structures shall not occupy more than fifty percent of the roof area. Once Ffifty percent of the roof area has been occupied by telecommunications equipment and all other equipment and structures, no additional antennas or equipment may be placed on that rooftop. The City may grant an exception to this provision allowing for additional equipment on a particular rooftop, if the applicant first, at its own cost, conducts an examination of the structural integrity of the roof to determine whether the roof can accept the placement of additional equipment. The City shall balance this report with the aesthetic issues related thereto in considering whether to allow for additional equipment.
 3. The City may require that Eequipment Ffacilities installed on a building shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting building and shall be screened as required by the City so as to make the equipment facility as visually unobtrusive as possible. The City shall have the discretion to require that any aesthetic screening exceed the height of the equipment associated with the Aantenna by a minimum of one (1) foot.
- C. Equipment Ffacilities shall comply with all applicable zoning and building codes, including minimum setback requirements as provided herein. _____
- D. Mobile or immobile equipment not used in direct support of a Ttelecommunications Ttower shall not be stored or parked on the site of the Ttelecommunication Ttower, except while repairs or inspections of the Ttelecommunications Ttower are being made.
- E. All buildings and equipment cabinets shall be unoccupied at all times except for routine maintenance.
- F. Equipment Ffacilities associated with Ttowers or Aantennas placed in the public rights-of-ways shall be subject to this ArticleDivision as well as other provisions of the City Code, including but not limited to [Article VII, Section 22-200]Chapter 22, Article VIII, Section 22-200 of the City's Code. Such Eequipment Ffacilities shall be located underground, on existing utility poles or an existing Ttower, or in existing buildings adjacent to the public rights-of-ways. All lines and cabling to and from such Eequipment Ffacilities shall be located underground. Design and size of such Eequipment Ffacilities shall be subject to regulation of the City.

Section 5-22062006. Public Ssafety and City Ccommunications.

- A. City Ttelecommunications Ffacilities and Wwireless Sservices. The City may reasonably require appropriate space on Ttowers and structures for location of City communications facilities as necessary for the City's internal communications, public safety, or public purposes as determined by the City for the health, safety and welfare of the City's residents.
1. The City reserves the right to negotiate with an applicant for a Ttelecommunications Ttower for space on the proposed Ttelecommunications Ttower as may be determined by the City and the applicant. If such negotiations do not result in an agreement, the parties shall submit such dispute to mediation under terms to which the parties shall agree.

2. The City may reasonably require a developer or property owner seeking approvals from the City to permit the City without charge to the City to locate City communications facilities on their building, on another structure, or on their property to allow for the provision of City public safety or internal communications.
 3. All developers or property owners allowing wireless facilities on their buildings, on other structures, or on their property that requires the City's approval shall reserve on their structure or property sufficient space as reasonably specified and required by the City to accommodate City ~~T~~elecommunications ~~F~~acilities.
 4. The City may reasonably require a developer or property owner seeking approvals from the City to permit ~~wireless service~~ providers to locate ~~telecommunications~~ facilities on their buildings, on another structure, or on their property with reasonable compensation to allow for the provision of ~~personal~~ wireless services within the City limits.
- B. Interference with City ~~T~~elecommunications ~~F~~acilities. To the extent not inconsistent with applicable law, all ~~service~~ providers of ~~Telecommunications Services~~ and owners of ~~T~~elecommunications ~~F~~acilities, buildings, or property within the City shall comply with the following:
1. No ~~T~~elecommunications ~~F~~acility, building, or structure shall interfere with any public frequency or City ~~T~~elecommunications ~~F~~acilities. Any ~~S~~ervice ~~P~~rovider that causes Interference with any public frequency or the operations of City ~~T~~elecommunications ~~F~~acilities, shall, after receiving notice, rectify the ~~I~~nterference immediately.
 2. The City shall not issue a building permit for any proposed building that will interfere with City ~~T~~elecommunications ~~F~~acility or public frequency unless such building complies with this ~~Article~~Division.
 3. Telecommunications ~~C~~orridor.
 - a. All plans for buildings to be built having a height of fifty-five (55) feet to one hundred and fifty (150) feet and located within a designated telecommunications corridor as shown on the ~~T~~elecommunication ~~T~~ransmission ~~C~~orridors map shall be reviewed by the Building and Zoning Department and/or the Technical Services division of the Police Department to determine the proposed building's impact on communications transmission. If the City's determination is that the proposed building will interfere with communications transmission, then the building plans shall be required to include facility space, at no cost to the City, for telecommunications equipment as specified subsection (c) and the expenses of such equipment shall be the responsibility of the building owner or developer.
 - b. All plans for buildings having a height greater than one-hundred fifty (150) feet and located within designated telecommunication corridors shall be required to include facility space, at no cost to the City, for telecommunication equipment as specified in subsection (c) and the expenses of such equipment shall be the responsibility of the building owner or developer.
 - c. When telecommunication facility space for antennas and radio equipment is required, such space shall:
 - i. Be provided on the roof~~top~~ for antennas.
 - ii. Be provided within the building and be air-conditioned for radio equipment.
 - iii. Be accessible twenty-four (24) hours per day.
 - iv. Be sized in accordance with user requirements to meet the needs of the equipment operations and maintenance.
 - v. Be subject to all easements, covenants, and agreements necessary to address peripheral issues associated with the enactment of these provisions and as further stipulated in the City Code, Ordinance No. 2961.
 - vi. Not be counted in Floor Area Ratio (F.A.R.) calculations if said space is used by, or set aside

for, the City.

vii. Include all necessary vertical access to roof-mounted equipments.

4. In the event that the ~~T~~telecommunications ~~F~~facility interferes with City ~~T~~telecommunications facilities, it shall be the responsibility of the ~~S~~service ~~P~~provider that creates the ~~I~~interference to make all necessary repairs and/or accommodations to alleviate the problem at its expense. The City shall be held harmless in this occurrence.
5. In the event that the ~~S~~service ~~P~~provider interferes with City ~~T~~telecommunications ~~F~~facilities, once it rectifies the ~~I~~interference, it shall, within thirty (30) days, file a report with the City by a ~~Florida professional Qualified E~~engineer experienced in design of telecommunications systems that includes, but is not limited to, the source of the ~~I~~interference, how the ~~I~~interference was rectified, and ~~S~~service ~~P~~provider's plans on preventing such ~~I~~interference from occurring in the future.
6. To the extent not inconsistent with applicable law, if the ~~S~~service ~~P~~provider refuses to rectify ~~I~~interference within twenty-four (24) hours of receiving notice, said violation shall be considered a zoning violation and all applicable remedies thereto may be imposed for such violation. The City may, in addition to the foregoing, file a complaint with the FCC for resolution and/or seek an injunction and pursue other actions including criminal sanctions against the ~~S~~service ~~P~~provider pursuant to Florida law, including but not limited to Florida Statutes, §§ 843.025 and 843.165. Any person who is found to have violated this ~~Article~~Division shall be subject to sanctions as provided by applicable law.
7. The installation of a Bi-Directional Amplifier ("BDA") by a private property owner shall not interfere with any City frequency. All applicants for permits for new buildings or structures after the adoption of this ~~Article~~Division shall be disclose, as a condition of approval, the existence of any BDA to be installed in the building. In the event the BDA is installed subsequent to completion of construction, the developer or property owner of the building or structure shall be required to disclose the existence of the BDA. The disclosure is necessary to allow the City to conduct tests to ensure that the BDA does not interfere with City communications.
8. A BDA, whether installed in new or existing buildings or structures, shall ~~have well contain~~ as the address, telephone number, and facsimile number of a contact person. The owner of the building shall be responsible for ensuring that accurate contact information remains located on the outside of the BDA. Failure to attach this contact information shall be considered a violation of the City's Code and all applicable remedies thereto may be imposed for such violation on the owner.
9. Existing buildings or structures that already have or may install a BDA are not required to disclose its existence, although it is encouraged that the BDA be disclosed to local law enforcement. Once the City, however, identifies a BDA in an existing building or structure that is interfering with City communications, the operator of the BDA will be notified using the contact information. The operator shall be responsible for stopping the BDA from interfering with City communications within 24 hours. The preferred form of notice from the City shall be sending a notice of interference via facsimile and providing the operator 24 hours from the facsimile transmission to cease the interference. The operator shall acknowledge in writing that it has received the notice, and such response shall include a statement regarding what the operator is doing to rectify the situation, no later than 12 hours after receipt of the notice. If the operator fails to respond to the notice, the City shall consider this a violation of the City Code and all applicable remedies thereto may be imposed for such violation. In addition to any penalties the City may impose on the operator, the City shall also have the right to terminate the BDA 24 hours from the time noted on the facsimile transmission of the notice to the operator. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service or terminated. If the facsimile number is not working for whatever reason, the City shall telephone the contact person. The operator shall be responsible for ensuring that this number is answered or that the City's call is returned. If the operator does not respond within 12 hours after the call is received, the City shall consider this non-responsiveness a violation of the City Code and all applicable remedies thereto may be imposed for such violation. In addition to any monetary penalties the City may impose on the operator, the City shall also have the right terminate

the BDA 24 hours from the call to the operator. As a courtesy, the City may send a letter via regular U.S. Mail that the BDA will be terminated to the address provided on the contact information. The City's failure to send this notice via regular mail shall have no legal effect on the City's right to terminate the BDA for interference with City communications. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service.

10. If the BDA fails to have the appropriate contact information, the City shall attempt to contact the building owner or ~~M~~management ~~C~~company of the building or structure. The City shall have the right to terminate the BDA 24 hours after attempting to contact the building owner or Management Company. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service or terminated.

11. The City's building official shall have the authority to authorize disconnection of electric service to a building, structure, or ~~T~~telecommunications ~~F~~facility in case of emergency where necessary to address an immediate hazard to life or property. The building official shall notify the electric utility and whenever possible the owner of the building, structure, or ~~T~~telecommunications ~~F~~facility of the decision to disconnect prior to disconnecting and shall notify the owner in writing as soon as practical thereafter.

Section 5-~~2207~~2007. Removal of ~~A~~abandoned ~~A~~antennas and ~~T~~towers.

Any ~~A~~antenna, ~~E~~equipment ~~F~~facility, or ~~T~~telecommunications ~~T~~tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such ~~A~~antenna, ~~E~~equipment ~~F~~facility, or ~~T~~telecommunications ~~T~~tower shall remove the same within ninety (90) days of receipt of notice from the City. Failure to remove an abandoned ~~A~~antenna, ~~E~~equipment ~~F~~facility, or ~~T~~telecommunications ~~T~~tower within the ninety (90) days shall be grounds for the City to remove the ~~T~~telecommunications ~~T~~tower, ~~E~~equipment ~~F~~facility or ~~A~~antenna at the owner's expense. If there are two or more users of a single ~~T~~telecommunications ~~T~~tower or ~~telecommunications~~ ~~F~~facility, then this provision shall not become effective until all users cease using the ~~T~~telecommunications ~~T~~tower or ~~telecommunications~~ ~~F~~facility.

Section 5-~~2208~~2008. Protection of the City and ~~R~~esidents.

A. Indemnification. The City shall not enter into any lease agreement for City owned property until and unless the City obtains an adequate indemnity from such provider. The indemnity must at least:

1. Release the City from and against any and all liability and responsibility in or arising out of the construction, operation or repair of the ~~T~~telecommunications ~~F~~facility.
2. Indemnify and hold harmless the City, its trustees, elected and appointed officers, agents, servants and employees, from and against any and all claims, demands, or causes of action of whatsoever kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees, sustained by the City or any third party arising out of, or by reason of, or resulting from or of each ~~T~~telecommunications ~~F~~facility operator, or its agents, employees, or servants negligent acts, errors, or omissions.
3. Provide that the covenants and representations relating to the indemnification provision shall survive following the term of any agreement and continue in full force and effect for at least one year following the termination of the party's agreement as to the party's responsibility to indemnify.

B. Insurance. The City may not enter into any lease agreement for City owned property until and unless the City obtains assurance that such lessee (and those acting on its behalf) has adequate insurance. At a minimum, the following requirements must be satisfied:

1. A ~~T~~telecommunications ~~F~~facility owner shall not commence construction or operation of the facility without obtaining all insurance required under this ~~Article~~Division and approval of such insurance by the City Manager, nor shall a ~~T~~telecommunications ~~F~~facility operator allow any contractor or

subcontractor to commence work on its contract or sub-contract until all similar such insurance required of the same has been obtained and approved. The required insurance must be obtained and maintained for the entire period the ~~T~~elecommunications ~~F~~acility is in existence. If the operator, its contractors or subcontractors do not have the required insurance, the City may order such entities to stop operations until the insurance is obtained and approved.

2. Certificates of insurance, reflecting evidence of the required insurance, shall be filed with the City. For entities that are entering the market, the certificates shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse in coverage.
3. These certificates shall contain a provision that coverage afforded under these policies will not be canceled until at least thirty (30) days prior written notice has been given to the City. Policies shall be issued by companies authorized to do business under the laws of the State of Florida. The City may amend its requirements pertaining to insurance from time to time and may require additional provisions pertaining to such insurance in a lease.
4. In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse during the period of the lease agreement with the City, then in that event, the ~~T~~elecommunications ~~F~~acility operator shall furnish, at least thirty (30) days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage for the balance of the period.

- C. Comprehensive ~~G~~eneral ~~L~~iability. A ~~T~~elecommunications ~~F~~acility operator and its contractors or subcontractors engaged in work on the operator's behalf, shall maintain adequate insurance to cover liability, bodily injury and property damage in the amount to be determined by the City at the time of Application. Exposures to be covered include premises, operations, and those certain contracts relating to the construction, installation or maintenance of the ~~T~~elecommunications ~~F~~acility. Coverage shall be written on an occurrence basis and shall be included, as applicable, in the lease agreement between the City and the ~~T~~elecommunications ~~F~~acility operator. Certificates of insurance reflecting evidence of the required insurance shall be filed with the City.

Section 5-~~2209~~2009. Security ~~F~~und.

- A. Prior to any construction, every applicant-, whether on public or private property within the City, shall establish a cash security fund, or subject to the City's approval in its sole discretion, provide the City with an irrevocable letter of credit or performance bond subject to the City Attorney's approval, in the amount specified in an agreement, permit, or other authorization as necessary to ensure the ~~provider's~~applicant's faithful performance of construction and compliance with this ~~Article~~Division and removal of abandoned ~~F~~acilities. -The amount of the Security Fund shall be established by the City based upon the ~~F~~acilities being constructed and potential costs to the City to remove the ~~F~~acilities and restore the property. The minimum amount of the Security Fund for a ~~T~~elecommunications ~~T~~ower shall be ~~T~~wenty-five ~~T~~housand ~~D~~ollars (\$25,000) and the minimum amount for each ~~A~~ntenna shall be ~~O~~ne ~~T~~housand ~~D~~ollars (\$1,000). The ~~T~~ower or ~~A~~ntenna ~~O~~wner shall ensure that the required security fund is maintained with the City for as long as the ~~F~~acility remains in the City.
- B. If the City in its discretion, accepts a bond the applicant and the surety shall be jointly and severally liable under the terms of the bond. _The bond shall be issued by a surety having a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the City Attorney; and shall provide that:

"This bond may not be canceled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

- C. The rights reserved by the City with respect to any Security Fund established pursuant to this ~~Article~~Division are in addition to all other rights and remedies the City may have under the City's Code, a

permit, a lease, or at law or equity

~~Section 5-2210. Penalties.~~

~~Refer to Article 7, Division 3 for penalties for violations of this Article.~~